

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

IN RE:)	
)	
SCOTT THOMAS LUMLEY,)	Case No: 3:20-bk-00836
)	Chapter 7
)	Judge Mashburn
Debtor.)	

SUPPLEMENT TO MOTION OF THE TRUSTEE TO SELL REAL PROPERTY

John C. McLemore, Chapter 7 Trustee (the “Trustee”), hereby files this Supplement to his Motion to Sell Real Property (the “Supplement”) to clarify the status of liens encumbering the subject property.

On May 11, 2021, the Trustee filed a Motion to Sell Real Property (the “Motion”) in which he sought to sell a 24.00 acre undeveloped parcel of real estate located on Cedar Creek Drive, Mount Juliet, Wilson County, Tennessee (the “Property”), in which the estate owns a 41% interest. The Motion listed the known lienholders as: (1) Wilson Bank & Trust, believed to be in the approximate amount of \$12,000; (2) City of Mount Juliet for 2019 and 2020 real estate taxes in the approximate amount of \$116.87; and (3) Wilson County for 2020 real estate taxes in the approximate amount of \$886.00. The Motion further provided that all valid liens would attach to the proceeds from the sale of the Property.

Since filing the Motion, the Trustee has discovered additional liens that might attach to the proceeds from the sale of the Property. Prior to filing the Motion, the Trustee had counsel conduct a search for all liens in the name of the owner of the Property, Wintree Estates, LLC. However, since filing the Motion, the Trustee has discovered the following judgment liens that have been filed against the Debtor, and might attach to the proceeds of the Property: (1) Judgment lien in favor of Steel Biz, Inc. against the Debtor in the amount of \$128,970.76 recorded on December 6, 2018; (2) Judgment lien in favor of Steve Mull

Plumbing, LLC against the Debtor in the amount of \$4030.00 recorded on April 24, 2019; and (3) Judgment lien in favor of Mueller Holdings, LLC and William Mueller against the Debtor in the amount of \$1,417,500.00 recorded on October 17, 2019.¹

The Trustee believes that the sale of the Property will produce sufficient funds to satisfy all liens and/or that he will be able to reach an agreement with lienholders for the release of liens, plus provide a distribution to unsecured creditors. If the Trustee cannot satisfy all liens or reach an agreement with lienholders for the release of liens, then he will withdraw the pending Motion.

Respectfully submitted,

By: /s/ Phillip G. Young, Jr.
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Attorneys for the Chapter 7 Trustee

¹ There is also a judgment lien recorded on February 10, 2020 against the Debtor in favor of Associated Masonry Products, Inc. and AMP Turnkey, LLC. That lien was perfected after the filing of this case and is, therefore, avoidable. The Trustee intends to file an action to avoid the judgment lien if the creditor does not consent to releasing the lien.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to all parties on the attached mailing matrix, on May 27, 2021.

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